

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:13CR68 RAS/DDB
	§	
JORGE ARMANDO ESTRADA-CASTRO	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant’s supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on February 17, 2015 to determine whether Defendant violated his supervised release. Defendant was represented by Gregory Westfall. The Government was represented by Andrew Stover.

On March 5, 2008, Defendant was sentenced by the Honorable Jorge A. Solis, United States District Judge, to a sentence of 30 months imprisonment followed by a 3-year term of supervised release, for the offense of Possession With Intent to Distribute a Schedule II Controlled Substance. Defendant began his term of supervision on January 8, 2010. On March 22, 2013, this case was transferred to the Eastern District of Texas and the Honorable Richard A. Schell.

On March 26, 2013, the U.S. Probation Officer filed a Petition for Offender Under Supervision (the “Petition”) (Dkt. 2-1). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; and

(2) Defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

The Petition alleges that Defendant committed the following violations: (1) Defendant was arrested on September 25, 2012, by U.S. Drug Enforcement Agency special agents at the U.S. Probation Office located in Benbrook, Texas; (2) On October 10, 2012, a Second Superseding Indictment was filed, under seal, in the Eastern District of Texas, Sherman Division, with regard to Case No. 4:12cr180. Count One of the document alleged that Defendant and others, from sometime in or about September 2009, and continuously thereafter, up to and including October 10, 2012, in the Eastern District of Texas and elsewhere, did knowingly and intentionally combine, conspire, and agree with each other and other persons known and unknown to the U.S. Grand Jury, to knowingly and intentionally possess with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine and/or 50 grams or more of methamphetamine (actual), in violation of 21 U.S. C. § 841(a)(1), a Class A Felony, punishable by a custody sentence of 10 years to life imprisonment. Count Two of the document alleged Defendant and others, from sometime in or about September 2009, and continuously thereafter, up to and including October 10, 2012, in the Eastern District of Texas and elsewhere, did knowingly and intentionally combine, conspire, and agree with each other and other persons know and unknown to the U.S. Grand Jury, to knowingly and intentionally possess with the intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, in violation of 21 U.S.C. § 841(a)(1), a Class A Felony, punishable by a custody sentence of 10 years to life imprisonment.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the February 17, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of fifteen (15) months to run consecutive to any other sentence being served, with no supervised release to follow.

SIGNED this 9th day of March, 2015.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE